

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.4497 of 2002

Dated: 04-07-2007

Between:

K. Komaraiah, s/o Rajaiah.

... Petitioner

and

1. The Government of Andhra Pradesh,
rep. by its Secretary, Revenue (Excise) Department,
Secretariat Buildings, Hyderabad and 2 others.

... Respondents

ORDER:

Petitioner states that he is a licence holder of IL-24 under the Andhra Pradesh Excise Act, 1968 and the Andhra Pradesh Indian Liquor and Foreign Liquor Rules, 1970, bearing No.119/98-99, dated 31-03-1998. His licence was originally cancelled by the Superintendent of Prohibition and Excise, Karimnagar and against which he preferred a revision before first respondent – Government of Andhra Pradesh, represented by its Principal Secretary, Revenue (Excise) Department. The first respondent has taken a lenient view while restoring petitioner's licence, however, refused to give remission

of the licence fee for the period during which petitioner did not carry on business. Questioning the same, the petitioner approached this Court and filed the present writ petition. On this issue, as to whether petitioner is entitled for remission of licence fee or not, a Full Bench of this Court, in a batch of writ petitions i.e. W.P.No.24013 of 2000 and batch, in **SRI NARASIMHA WINES v. PROHIBITION AND EXCISE**^[1], held that no writ of *mandamus* can be issued directing the authorities to grant remission for the period during which no business was carried on.

2. In the light of the dicta made by the Full Bench of this Court in the aforesaid decision, the relief sought for in this writ petition cannot be granted.

3. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.04-07-2007
GLV

^[1] 2001 (6) ALT 240 (FB)